

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----:

UNITED STATES OF AMERICA, : Case No.:24-MJ-1392

Plaintiff, :

-against- :

JAMAAL WADE, : New York, New York

Defendant. : April 25, 2024

-----:

TRANSCRIPT AND STATUS CONFERENCE HEARING

BEFORE THE HONORABLE BARBARA MOSES

UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff: UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
BY: Getzel Berger, AUSA
26 Federal Plaza - 37th Floor
New York, New York 10278

For Defendant: FEDERAL DEFENDERS OF NEW YORK INC.
BY: Mark B. Gombiner, Esq.
52 Duane Street - 10th Floor
New York, New York 10007

Proceedings recorded by electronic sound recording;
Transcript produced by transcription service.

1 THE DEPUTY CLERK: The Court now calls the
2 United States of America v. Jamaal Wade; case
3 number: 24-MAG-1392.

4 Counsel, please make your appearances for
5 the record.

6 MR. BERGER: For the United States, Getzel
7 Berger. Good afternoon, your Honor.

8 THE COURT: Good afternoon, Mr. Berger.

9 MR. GOMBINER: And Mark Gombiner, Federal
10 Defenders, for Mr. Wade. Good afternoon, Judge.

11 THE COURT: Good afternoon, Mr. Gombiner.
12 Good afternoon, Mr. Wade. I am Judge Moses.

13 May I have the date and time of the
14 defendant's arrest, please.

15 MR. BERGER: Yes, April 7, 2024, at
16 approximately 8:30 a.m. in Fort Lauderdale, Florida.
17 The defendant was presented on April 8th before
18 Magistrate Judge Patrick Hunt in the Southern
19 District of Florida, where he consented to removal.

20 THE COURT: And he came on the airlift
21 yesterday?

22 MR. BERGER: Correct.

23 THE COURT: All right.

24 MR. BERGER: And I have the orders from
25 Florida, if your Honor wants those.

1 THE COURT: I have those. Thank you very
2 much.

3 I understand that English is your first
4 language, but can you just confirm through the
5 record that you speak and understand English,
6 Mr. Wade?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Thank you very much.

9 The purpose of today's proceeding, which
10 may be familiar to you because I know that you were
11 presented initially in a different court -- the
12 purpose of today's proceeding is to advise you of
13 certain rights that you have, inform you of the
14 charges against you, consider whether counsel shall
15 be appointed for you here in New York, and decide
16 under what conditions, if any, you shall be released
17 pending trial.

18 I'm going to begin by explaining some of
19 your constitutional rights.

20 You have the right to remain silent. You
21 are not required to make any statements. Even if
22 you've already made statements to the authorities,
23 you do not need to make any further statements. Any
24 statements that you do make can be used against you.

25 You have the right to be released either

1 conditionally or unconditionally pending trial,
2 unless I determine that there are no conditions that
3 would reasonably assure your presence in court when
4 required and the safety of the community.

5 If you are a foreign national -- which I
6 don't think you are, but I need to tell everybody
7 this -- if you are a foreign national, you have the
8 right to request that a consular officer from your
9 country of origin be notified of your arrest. In
10 some cases, a treaty or other agreement may require
11 the U.S. government to give that notice, whether you
12 request it or not.

13 You have the right to be represented by an
14 attorney during all court proceedings, including
15 this one, and during any questioning by the
16 authorities. If you cannot afford an attorney, I
17 will appoint one today to represent you.

18 Do we have a financial affidavit?

19 Thank you.

20 My deputy has handed me a financial
21 affidavit with your name on it, Mr. Wade. Can you
22 confirm that that's your signature at the bottom?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Thank you very much.

25 This serves as your application for the

1 appointment of counsel. It is submitted under
2 penalty of perjury. In other words, in a minute I'm
3 going to ask you to swear to it. What that means is
4 that you can be charged with perjury if you make any
5 intentionally false statement on the form.

6 Is there anything that you would like to
7 add to or change on the form before I ask you to
8 raise your right hand?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Please raise your right hand.

11 Do you solemnly swear or affirm that the
12 statements made on your financial affidavit are true
13 and correct?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Thank you. Reviewing the form
16 now.

17 Based on the information on your financial
18 affidavit, I am approving the application and
19 appointing counsel to represent you.

20 Here you go, Ms. King.

21 I have before me a copy of the complaint in
22 your case. Let me just review the charges for you.
23 You are charged in Count One with receipt and
24 distribution of child pornography, in violation of
25 Title 18 of the United States Code, §§ 2252A (2)(B)

1 and (b) (1). And you are charged in Count Two with
2 possession of child pornography, in violation of
3 Title 18 of the U.S. Code, §§ 2258A (a) (5) (B) and
4 (b) (2).

5 Counsel, have you received a copy of the
6 complaint and had an opportunity to review it with
7 your client?

8 MR. GOMBINER: Yes, I have, your Honor, and
9 we waive its public reading.

10 THE COURT: Thank you very much.

11 Because you are charged by complaint,
12 Mr. Wade, you have the right to a preliminary
13 hearing. At the preliminary hearing, the government
14 will have the burden of establishing that there is
15 probable cause to believe that the crime for which
16 you are being charged has been committed, and that
17 you are the person who committed it.

18 If you are in custody, you have a right to
19 that hearing within 14 days. If you are not in
20 custody, you have a right to that hearing within 21
21 days. However, no hearing will be held if you are
22 indicted or if an information is filed against you
23 by the government before the date of the preliminary
24 hearing. I will set a preliminary hearing date at
25 the conclusion of these proceedings. But before

1 that, let me turn to the question of bail or
2 detention.

3 Do I understand that the defendant is
4 consenting to detention?

5 MR. GOMBINER: Yeah, we're reserving on any
6 bail application.

7 THE COURT: All right.

8 What that means, Mr. Wade, is that you will
9 be detained at present without prejudice to your
10 right to make a bail application, should you choose
11 to do so in the future.

12 Let's see if we have anything further to do
13 today. Preliminary hearing date.

14 MR. GOMBINER: We're going to waive to the
15 30th day.

16 THE COURT: The 30th day is May the 24th,
17 so I will set your preliminary hearing date at May
18 24, 2024.

19 Anything further from the government?

20 MR. BERGER: No, Judge. Thank you.

21 THE COURT: From the defense?

22 MR. GOMBINER: No, your Honor. Thank you.

23 THE COURT: Thank you, Counsel.

24 0o0

25

C E R T I F I C A T E

I, Adrienne M. Mignano, certify that the foregoing transcript of proceedings in the case of USA v. Jamaal Wade, Docket #23-MAG-1392 was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Adrienne M. Mignano
ADRIENNE M. MIGNANO, RPR

Date: July 3, 2024